

1 BILL NO. G-84-09-23

2 GENERAL ORDINANCE NO. G-31-84

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

5 WHEREAS, a petition to vacate a public alley within the City
6 of Fort Wayne (as more specifically described below) was duly filed with
7 the City Planning Commission; and,

8 WHEREAS, said Commission duly held a public hearing thereon; and,

9 WHEREAS, said Commission has duly forwarded its recommendation
10 to this body approving said petition, all in accordance with
11 I.C. 36-7-4-512(2) and this body having held a public hearing on said
12 vacation as provided in I.C. 36-7-3-12; and,

13 WHEREAS, this body concurs in the recommendation of the City
14 Planning Commission.

15 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
16 CITY OF FORT WAYNE, INDIANA:

17 SECTION 1. That the petition filed herein to vacate a public
18 alley within the City of Fort Wayne, more specifically described as
19 follows, to-wit:

20 That portion of a certain alley running between
21 Raymond Street and Wayne Trace in the City of Fort
22 Wayne, Indiana, parallel to Julian Street and
23 Lee Street and existing from Wayne Trace along
24 Lots Numbered 55, 56, 57, 58, 59, 60, 61 and
25 62 of Slataper's Addition to the City of Fort
Wayne, said proposed vacation being 10 feet wide
and running 131.32 feet along Lots Numbered
55, 56, 57, and 58 and separating said lots
from Lots Numbered 59, 60, 61 and 62 of said
Slataper's Addition

26 and which vacating amends the Thoroughfare Plan of the City Comprehensive
27 ("Master") Plan and is hereby approved in all respects.

28 SECTION 2. That this Ordinance shall be in full force and
29 effect from and after its passage, any and all necessary approval by
30 the Mayor.
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Page two

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

**Public hearing to be held on _____, the _____
day of _____, 1982, in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bradbury, seconded by Talano, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 9-25-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 10-23-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 9-31-84 on the 23rd day of October, 1984.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray E. Eboor
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 1984, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of October, 1984, at the hour of 2⁰⁰ o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION TO VACATE A PORTION OF A CERTAIN ALLEY
IN THE CITY OF FORT WAYNE IN SLATAPER'S ADDITION
RUNNING BETWEEN RAYMOND STREET AND WAYNE TRACE.

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner does hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following alley within the City of Fort Wayne, Indiana, and
hereby described as follows:

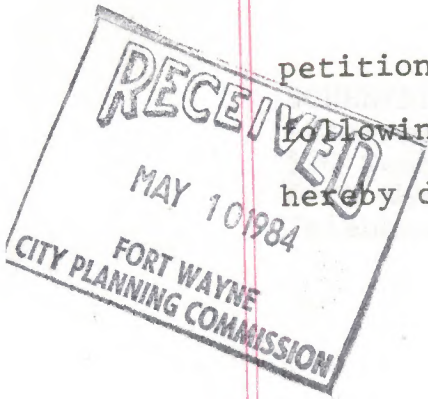
That portion of a certain alley running between
Raymond Street and Wayne Trace in the City of
Fort Wayne, Indiana, parallel to Julian Street
and Lee Street and existing from Wayne Trace
along Lots Numbered 55, 56, 57, 58, 59, 60, 61,
and 62 of Slataper's Addition to the City of
Fort Wayne, said proposed vacation being 10 feet
wide and running 131.32 feet along Lots Numbered
55, 56, 57, and 58 and separating said lots from
Lots Numbered 59, 60, 61, and 62 of said Slataper's
Addition.

In support thereof, your petitioner would represent as
follows:

1. That he is the only owner of real estate bordering
upon both sides of the portion of said alley to be vacated.
2. That the alley is not necessary as ingress or
egress to other property owners.
3. That said alley is currently unopened and
unimproved.
4. That, to the knowledge and belief of your
petitioner, no other person, firm, or corporation is interested
in or affected by the proposed vacation.
5. That the maintenance of said alley is not necessary
or advantageous to the growth of the City of Fort Wayne and that
it would be in the best interest of the City and the citizens
thereof to vacate said portion of said alley.

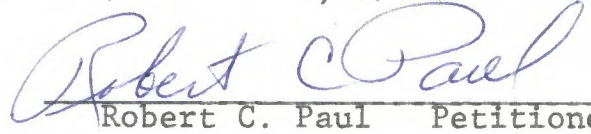
Your petitioner files this petition pursuant to the
authority granted in Indiana Code section 36-7-4-512 in order to
complete the vacation of the above described alley.

WHEREFORE, your petitioner prays that the above
described alley be vacated according to the provisions of the



Indiana law pertaining thereto.

DATED THIS 1st DAY OF May, 1984.


Robert C. Paul Petitioner

2511 Julian Street
Fort Wayne, Indiana 46803

SCHENKEL & TIRPAK
Attorneys for Petitioner
520 South Calhoun
Fort Wayne, Indiana 46802
Telephone: (219) 424-1333

RESOLUTION 74-117-8

74-117-8
10/3/84

WHEREAS, ROBERT C. PAUL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley in Fort Wayne, Allen County, to-wit:

That portion of a certain alley running between Raymond Street and Wayne Trace in the City of Fort Wayne, Indiana, parallel to Julian Street and Lee Street and existing from Wayne Trace along Lots Numbered 55, 56, 57, 58, 59, 60, 61, and 62 of Slataper's Addition to the City of Fort Wayne, said proposed vacation being 10 feet wide and running 131.32 feet along Lots Numbered 55, 56, 57 and 58 and separating said lots from Lots Numbered 59, 60, 61 and 62 of said Slataper's Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David J. Kiester, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of at their meeting held Wednesday, October 3, 1984 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 3rd DAY OF October 1984

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester

David J. Kiester
Director of Public Works

Cosette R. Simon

Cosette R. Simon
Director of Administration and Finance

Lawrence D. Consalvos

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on September 17, 1984, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the property governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 24, 1984, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 28th DAY OF September 1984

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

RECEIPT

CK# 4220

COMMUNITY DEVELOPMENT & PLANNING

No 10685

FT. WAYNE, IND., 3/10, 1984

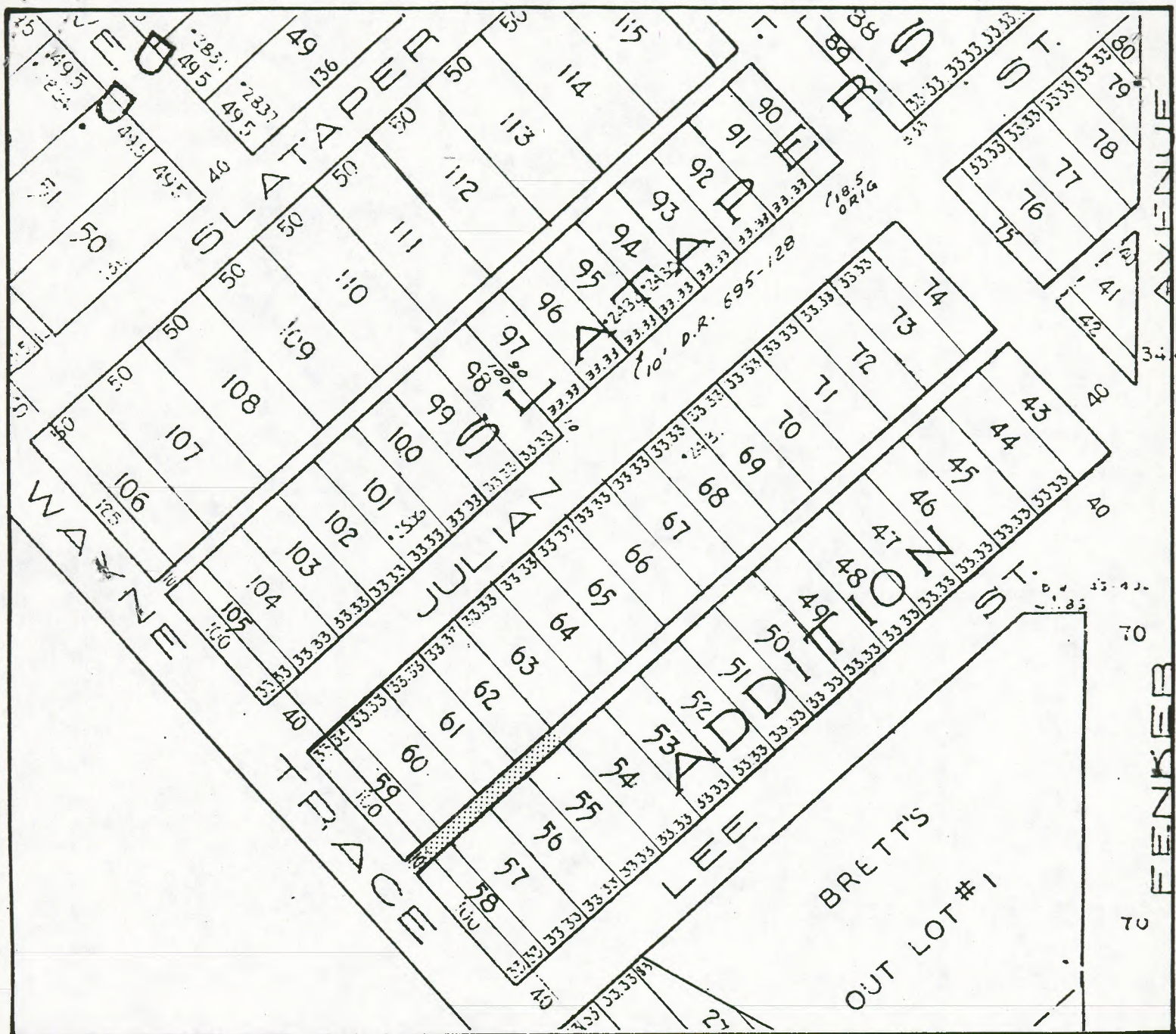
RECEIVED FROM Schenkel & Turpak \$ 100.00


THE SUM OF one hundred & 00/100 DOLLARS

ON ACCOUNT OF

ally vacation
Pat B.

AUTHORIZED SIGNATURE



 A PETITION TO VACATE THE ABOVE DESCRIBED PORTION OF ALLEY.

Vacation Request #92

MAP NO. Q-3

6-84-09-33



BILL NO. G-84-09-23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating an alley thereof

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Janet G. Bradbury
Samuel J. Talarico
Charles B. Redd
Mark E. GiaQuinta
James S. Stier

CONCURRED IN 10-23-84
SANDRA E. KENNEDY, CITY CLERK

FACT SHEET

G-84-09-23

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

APPROVAL DEADLINE

None

REASON**DETAILS****Specific Location and/or Address**

Alley lying parallel to Julian & Lee Street
exiting from Wayne Trace.

Reason for Project

Property is in the Enterprise Zone and
petitioner has intentions of building
across the alley, if vacated.

Discussion (Including relationship to other Council actions)

John Schenkel, attorney for the petitioner
stated that this is an unimproved alley -
grown over with grass. He stated that the
petitioner hopes to build on the property
if vacated, since it is in the Enterprise
Zone. He stated also that they were
preparing the necessary easements requested
by the utilities.

There was no one present who wished to
speak in favor of or in opposition to the
proposed vacation.

September 24, 1984 - Business Meeting

Duane Embury read the Site Committee
Report.

It is the recommendation of the Site
Committee that the ordinance be returned
to the Common Council with a DO PASS
recommendation conditioned that appropriate
easements are retained for existing
utilities.

The Site Committee also recommended that
staff contact the other abutting property
owners of this alley for the vacation of

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Robert Paul

City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

the remaining portion of alley.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date May 10, 1984

Projected Completion or Occupancy

Date September 28, 1984

Fact Sheet Prepared by

Date September 28, 1984

Patricia Biancaniello
Reviewed by

Date

Reference or Case Number

ORIGINAL

DIGEST SHEET

ORIGINAL

G-84-09-23

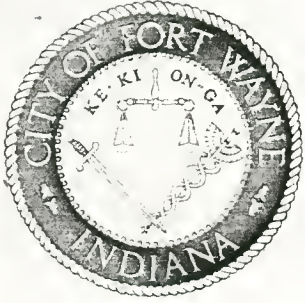
TITLE OF ORDINANCE Alley Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&PSYNOPSIS OF ORDINANCE Alley adjacent to Lots 55 thru 62 in Slataper's Addition
lying parallel to Julian and Lee Streets and existing from Wayne Trace.

COUNCILMANIC DISTRICT NO. _____

Adjacent Property Owners: Robert C. PaulApproximate Size: 1,313 feetEFFECT OF PASSAGE Property is now public right-of-way. Property will be closed
as public right-of-way and revert to the ownership of the adjacent property owners.EFFECT OF NON-PASSAGE Property will remain public right-or-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____



The City of Fort Wayne

October 10, 1984

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN. 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of
October 13, 1984, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-84-09-23
Vacation of an alley

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING

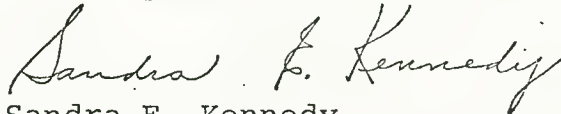
BILL NO. G-84-09-23

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, October 23, 1984, at 7:15 P.M. (EST) in Room 128, City-County Building, 1st Floor, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

That portion of a certain alley running between Raymond Street and Wayne Trace in the City of Fort Wayne, Indiana, parallel to Julian Street and Lee Street and existing from Wayne Trace along Lots Numbers 55, 56, 57, 58 59, 60, 61, and 62 of Slataper's Addition to the City of Fort Wayne, said proposed vacation being 10 feet wide and running 131.32 feet along Lots Numbered 55, 56, 57, and 58 and separating said lots from Lots Numbered 59, 60, 61 and 62 of said Slataper's Addition.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

October 11, 1984

NOTICE OF PUBLIC HEARING ON BILL NO. G-84-09-23

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, October 23, 1984, at 7:15 P.M. (EST) in Room 128 Common Council Conference Room, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

That portion of a certain alley running between Raymond Street and Wayne Trace in the City of Fort Wayne, Indiana, parallel to Julian Street and Lee Street and existing from Wayne Trace along Lots Numbered 55, 56, 57, 58, 59, 60, 61 and 62 of Slataper's Addition to the City of Fort Wayne, said proposed vacation being 10 feet wide and running 131.32 feet along Lots Numbered 55, 56, 57 and 58 and separating said lots from Lots Numbered 59, 60, 61, and 62 of said Slataper's Addition.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely yours,

Sandra E. Kennedy
City Clerk

AGENT: Schenkel & Tirpak / 520 So. Calhoun Street / City 02

NOTIFIED:

Shideler Realty Co. / P.O. Box 5162 / City 46895

Grady / 911 Schnelker Ct. / New Haven, IN 46774

Graft / 2431 Julian Street / City 03

Huth / 2441 Julian Street / City 03

SECTION

LOX BLANK BOND

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, September 17, 1984 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of public right-of-way.

That portion of a certain alley running between Raymond Street and Wayne Trace in the City of Fort Wayne, Indiana, parallel to Julian Street and Lee Street and existing from Wayne Trace along Lots Numbered 55, 56, 57, 58, 59, 60, 61, and 62 of Slataper's Addition to the City of Fort Wayne, said proposed vacation being 10 feet wide and running 131.32 feet along Lots Numbered 55, 56, 57 and 58 and separating said lots from Lots Numbered 59, 60, 61, and 62 of said Slataper's Addition.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines
Body number of lines
Tail number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

23 lines, 1 columns wide equals 23 equivalent lines at .300¢ \$ 6.90
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
TOTAL AMOUNT OF CLAIM \$ 7.90

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point
Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Oct. 13, 19 84

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:
Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

10/13/84

Drusilla Roose

Subscribed and sworn to me before this 13th day of October, 19 84

Anne M. Perkins
Anne M. Perkins Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
BILL NO. G-84-09-23
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All interested persons are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk
10/13-16

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines
Head number of lines 2
Body number of lines 18
Tail number of lines 3
Total number of lines in notice 23

COMPUTATION OF CHARGES

23 lines, 1 columns wide equals 23 equivalent lines at .300¢ \$ 6.90
cents per line
Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00
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Drusilla Roose

Date Oct. 13, 19 84

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

10/13/84

Drusilla Roose

Subscribed and sworn to me before this 13th day of October 19 84

Anne M. Perkins Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk